

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No.5907 of 1998

**

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

1 to 5 : NO

BHIKHABHAI POONAMBHAI SOLANKI

Versus

ASSISTANT COMMISSIONER OF LABOUR

Appearance:

MR MS MANSURI for Petitioner

NOTICE SERVED for Respondent No. 1, 2

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 10/11/98

ORAL JUDGEMENT :

Rule.

2. In spite of notice none appears for the respondents. It is the say of the petitioner that he joined as a Rojanddar Worker in the year 1991 with respondent no.2, Deputy Engineer, Borsad Sinchai Peta Vibhag. He worked for more than 240 days. However, his service came to be discontinued on 31.1.1994. He was

assured to be taken back, but was not given any job. It was also stated that when new employees were taken, the petitioner approached the Assistant Labour Commissioner, respondent no.1, raising an industrial dispute. The grievance of the petitioner is that the reference has not been made on the ground that it is delayed by three years.

3. In my view the delay of three years alone cannot be a sufficient ground not to make reference. Considering all the facts and circumstances of the case, the respondent is directed to consider the question of making reference within the period of two weeks from the date of receipt of writ of this judgment. Rule is made absolute accordingly. No order as to costs.

karim*